

Notice of Allowability

Application No.

09/943,658

Examiner

Calvin L. Hewitt II

Applicant(s)

HOBSON ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication with Applicant's Representative on 8-28-07.
2. ☒ The allowed claim(s) is/are 18-20,23-25,35 and 37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Status of Claims

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Howard I. Sobelman on 28 August 2007.

2. The Application has been amended as follows-

In claim 18, line 4, replace "presenting to a user a payment option for using a smart card for payment" with "presenting to a user a payment option for using a smart card for payment in response to the detection of the smart card reader".

In claim 18, lines 9-11, replace "receiving, at said host system, a copy of said digital certificate and a signed challenge string from said client computer, after said user enters a Personal Identification Number (PIN) which triggers signing of said challenge string and accessing said digital certificate" with "receiving, at said host system, a copy of said digital certificate and a signed challenge string from said client computer, wherein said challenge string is signed to create the signed challenge string and said digital certificate is accessed in response to the user entering a Personal Identification Number (PIN)".

In claim 23, line 2 replace "detecting the presence of a smart card reader connected to said client computer" with "detecting the presence of a smart card reader connected to said client computer by a merchant computer over said distributed network".

In claim 23, lines 3-4 replace "presenting a user of said client computer with a payment option for using a smart card for payment" with "presenting a user of said client computer with a payment option for using a smart card for payment in response to the detection of the smart card reader".

In claim 23, lines 12-14 replace "receives a copy of said digital certificate and a signed challenge string from said client computer, after said user enters a Personal Identification Number (PIN) which triggers signing of said challenge

string and accessing said digital certificate” with “receives a copy of said digital certificate and a signed challenge string from said client computer, wherein said challenge string is signed to create the signed challenge string and said digital certificate is accessed in response to the user entering a Personal Identification Number (PIN).”

3. Claims 18-20, 23-25, 35 and 37 have been examined.
4. Claims 18-20, 23-25, 35 and 37 are allowed.

Reasons of Allowance

5. The present invention is directed to transaction security. Securing online transactions is old and well known. For example, the Wall Street Journal discloses Secure Electronic Transaction (“Visa, Mastercard reach an agreement for single system of Internet payment”, Jared Sandberg, Wall Street Journal, New York, N.Y., Feb. 1, 1996, pg. B2), while InternetWeek disclose Secure Socket Layer (“Network Infrastructure-SSL in the driver’s seat”, Keith Schultz, InternetWeek, Nov. 13, 2000, Issue 837, p49). Gifford (US 5,724,424) teaches entering a personal identification number, inserting a smart card into a smart card reader, and a system authenticating a user by receiving user authentication

information such as a signed challenge string (e.g. digital certificate) ('424, figure 4; column/line 10/30-11/8). Linehan (US 6,327,578) teaches a remote server transmitting a challenge to a user computer, the user computer passing the challenge to a smart card inserted in a smart card reader, the smart card creating a signed challenge response in response to the challenge and the reader forwarding the signed challenge to the user computer that passes the signed challenge to the remote server ('578, column 7, lines 20-38). Linehan also discloses secondary transaction numbers ('578, column/line 9/45-10/12) and authenticating users using a PIN ('578, column 7, lines 38-54), however a challenge string is not signed, nor is a digital certificate accessed using the PIN. Payne et al. (US 5,715,314) also teach providing a secondary transaction number to a merchant ('314, column 7, lines 22-30). However, present invention is patentable over the prior art as the prior art does not teach or fairly suggest, singly or in combination, receiving an option for using a smart card for payment in response to a remote server detecting that a smart reader is connected to a client computer.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Occhipinti et al. teach authentication using a smart card and a challenge-response protocol
- Nambiar et al. US 20020128977 A1- abandoned, commonly owned, filed less than a year before the present application- discloses common subject matter

5. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

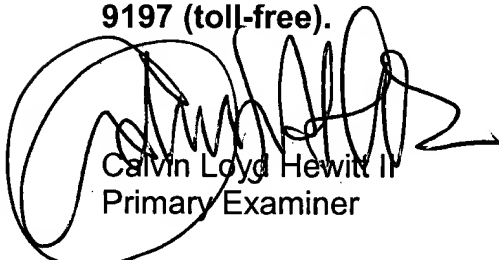
6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached at (571) 272-6779.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

Art Unit: 3621

PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Calvin Lloyd Hewitt II
Primary Examiner

August 28, 2007